

UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF NEW YORK

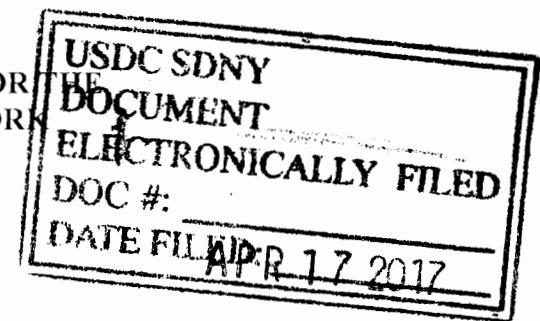
UMB Bank, N.A., as *Trustee*,

Plaintiff,

- against -

SANOFI,

Defendant.



Civil Action No.: 1:15-cv-08725
(GBD)

SECOND AMENDED DISCOVERY PLAN AND SCHEDULING ORDER

WHEREAS, on January 22, 2016, the Court "So Ordered" the Discovery Plan and Scheduling Order (ECF No. 18);

WHEREAS, on October 24, 2017, the Court "So Ordered" the Amended Discovery Plan and Scheduling Order (ECF No. 84);

WHEREAS, Plaintiff and Defendant (together, the "Parties," and each a "Party") have jointly requested a modification to the Amended Discovery Plan and Scheduling Order;

NOW, THEREFORE, pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure (the "Federal Rules"), the Court hereby adopts the following stipulated amended discovery plan and scheduling order.

I. DISCOVERY PLAN

a. Conduct of Discovery

i. Discovery Pursuant to the Rules

All discovery shall proceed in accordance with the applicable Federal Rules and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules"), except as otherwise ordered by the Court or as specified herein.

ii. **Electronic and Hard Copy Discovery**

The Parties agree to meet and confer in good faith regarding (i) acceptable search terms and custodians for electronic discovery; and (ii) the form of production of electronic and hard copy documents.

b. **Number of Depositions**

The Parties each may take up to 20 depositions (exclusive of expert depositions) in accordance with Federal Rule 30.

II. SCHEDULING ORDER

a. **Fact Discovery**

i. The Parties will substantially complete production of documents in response to document requests by October 27, 2017. The Parties will substantially complete production of documents related to Count I by August 31, 2017.

ii. The Parties will produce privilege logs on or before July 31, 2017 and will produce supplemental privilege logs, if and as necessary, every 30 days until November 22, 2017.

iii. The Parties will serve all discovery requests on non-parties on or before November 3, 2017.

iv. The Parties will serve all interrogatories or requests for admission on or before December 20, 2017.

v. Depositions, other than depositions of experts, shall occur on or before January 19, 2018.

vi. All fact discovery shall be completed on or before January 19, 2018.

b. Expert Discovery

i. Plaintiff shall identify expert witnesses and serve the written reports or disclosures of such expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before March 16, 2018.

ii. Defendant shall identify expert witnesses including any rebuttal expert witnesses and serve the written reports or disclosures of such expert witnesses including any rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before May 11, 2018. Defendant shall take depositions of Plaintiff's expert witnesses prior to submission of Defendant's expert reports.

iii. Plaintiff shall identify any rebuttal expert witnesses and serve the written rebuttal reports of such rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before June 22, 2018. Plaintiff shall take depositions of Defendant's expert witnesses prior to submission of Plaintiff's rebuttal expert reports.

iv. Depositions of all experts shall be completed on or before July 20, 2018. Defendant shall be entitled to depose all rebuttal expert witnesses even if such rebuttal expert witnesses were previously deposed in connection with previous reports. Any depositions taken by Defendant of Plaintiff's rebuttal expert witnesses (if any) after service of written rebuttal reports are limited to the issues in the rebuttal reports.

c. Dispositive Motions

i. Motions for summary judgment shall be served on or before August 31, 2018; opposition papers shall be served on or before October 12, 2018; and reply papers shall be served on or before November 16, 2018.

d. Other Scheduling Matters

i. A joint pretrial order shall be filed on or before August 31, 2018, unless a motion for summary judgment is made under subsection (c)(i) *supra*. In the event one or more motions for summary judgment are made, the date for submitting a joint pretrial order shall be 30 days from the issuance of a written decision on the motion(s).

ii. A final pre-trial conference will be held at a date and time to be determined by the Court.

DATED: April 13, 2017

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Attorneys for Defendant Sanofi

IT IS SO ORDERED:

April 17, 2017

New York, New York

APR 17 2017

George B. Daniels
HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE